

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

02-0 -0189

**AN ORDINANCE REAFFIRMING THE NECESSITY OF THE
\$1.00 SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION
CONNECTION SUBSCRIBED TO TELEPHONE SUBSCRIBERS WHOSE
BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA,
PURSUANT TO THE AUTHORIZATION GRANTED IN
SECTIONS 46-5-133 (A) AND 46-5-134(A)(2)(A) OF THE
OFFICIAL CODE OF GEORGIA ANNOTATED AND FOR
OTHER PURPOSES.**

WHEREAS, the General Assembly finds and declares it is in the public interest to shorten the time required for a citizen to request and receive emergency aid; and

WHEREAS, the General Assembly finds and declares that the benefits of "911" service should be widely available, regardless of whether a "911" call is placed from traditional landline telephone or from a wireless telephone and it is also in the public interest that users of wireless telephones should bear some of the cost of providing this service, as users of landline telephones currently do; and

WHEREAS, it is the intent of the General Assembly to bring wireless telephone service within the scope of Section 46-5-121 of the O.C.G.A. and to establish a means by which local public safety agencies may provide enhanced "911" service to wireless telephone users; and

WHEREAS, "wireless service" means "commercial mobile service" as defined under Section 332(D) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 157 et seq.), regulations of the Federal Communications Commission, and the Omnibus Budget Reconciliation Act of 1993 (PL 103-66) and included real-time, two-way interconnected voice service which is provided over networks which utilize intelligent switching capability and offer seamless handoff to customers; and

WHEREAS, "wireless service supplier" means a provider of wireless service; and

WHEREAS, wireless "telecommunication connection" means any mobile station for wireless service which is assigned a number containing an area code assigned to Georgia by the North American Numbering Plan Administrator that connects a provider of wireless service to a provider of local exchange telephone service; and

WHEREAS, "wireless enhanced "911" charge means a contribution to the local government for the cost to the local government of implementing or upgrading, and maintaining, an emergency "911" system which is capable of receiving and utilizing automatic number identification, the location of the base station or cell site which receives the "911" call, and the location of the wireless telecommunications connection as it relates to "911 calls made from a wireless

telecommunication connection. Nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier to provide the aforementioned information and other cost which may be paid with money from the Emergency Telephone System Fund pursuant to Subsection (e) of Code Section 46-5-134 of the O.C.G.A.; and

WHEREAS, Section 46-5-133 of the O.C.G.A. authorizes any local government, which prior to 1988 operated or contracted for the operation of an enhanced emergency telephone number "911" system which is capable of providing or provides enhanced "911" service to persons or entities with a wireless telecommunications connection, excluding a military base, to adopt an ordinance to impose a monthly wireless enhanced "911" charge upon each wireless telecommunications connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the local government. On or after January 1, 1999, no monthly "911" charge provided for may be imposed or continue to be imposed unless each dispatch center funded in whole or in part from such charges is in compliance with Code Section 36-80-19, relating to required TDD training for communication officers; and


WHEREAS, Section 46-5-134(a)(2)(a) provides that wireless enhanced "911" charges may not exceed the monthly "911" charge imposed upon subscribers of exchange access facility for land lines and in no event, shall such wireless enhanced "911" charge exceed \$1.00 per month per wireless telecommunications connection provided to the telephone subscriber; and

WHEREAS, each service supplier that collects "911" or wireless enhanced "911" charges on behalf of a local government is entitled to retain as an administrative fee an amount equal to 3% of the gross "911" or wireless enhanced "911" charge receipts to be remitted to the local government; and

WHEREAS, BEFORE July 1, 2002, 30¢ of the monthly wireless enhanced "911" charge imposed shall be deposited in a separate restricted reserve account of the Emergency Telephone System Fund.

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA THAT PURSUANT TO THE AUTHORITY GRANTED IN section 46-5-133(a) and 46-5-134(a)(2)(A) of the Official Code of Georgia Annotated there be and is hereby levied a \$1.00 surcharge upon each wireless telecommunication connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the City of Atlanta.

BE IT FURTHER ORDAINED that pursuant to Section 46-5-133(a) of the O.C.G.A. that the effective date of the levy shall be at least 120 days following the date of the adoption of the resolution levying the charge, the \$1.00 surcharge shall become effective the first day of the month following the 120-day period.



BE IT FURTHER ORDAINED that pursuant to Section 46-5-134 (a) (1) of the O.C.G.A. the Service Supplier (s) shall, on behalf of the City of Atlanta, collect the "911" charge from those telephone subscribers to whom it provides exchange telephone service in the area served by the emergency "911" system.

BE IT FURTHER ORDAINED that pursuant to Section 46-5-134(d)(1) of the O.C.G.A. the Service Supplier shall retain as an administrative fee an amount equal to 3% of gross wireless enhanced "911" charge receipts to be remitted to the City.

A true copy



Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

FEB 18, 2002
MAR 05, 2002

RCS# 3453
2/18/02
2:38 PM

Atlanta City Council

Regular Session

CONSENT I

Except:0151; 0204; 0235; 0238; 0259;
0260; 0255; 0205; 0206; 0207; 0208
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0255
02-R-0204
02-R-0206
02-R-0235
02-R-0238

CORRECTED COPY

02/18/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0151
2. 02-O-0162
3. 02-O-0239
4. 02-O-0188
5. 02-O-0189
6. 02-O-0269
7. 02-O-0259
8. 02-O-0260
9. 02-O-0154
10. 02-O-0156
11. 02-O-0157
12. 02-O-0158
13. 02-O-0148
14. 02-R-0201
15. 02-R-0202
16. 02-R-0236
17. 02-R-0205
18. 02-R-0207
19. 02-R-0208
20. 02-R-0195
21. 02-R-0196
22. 02-R-0234
23. 02-R-0241
24. 02-R-0210
25. 02-R-0211
26. 02-R-0212
27. 02-R-0213
28. 02-R-0214
29. 02-R-0215
30. 02-R-0216
31. 02-R-0217
32. 02-R-0218

**ITEMS ADVERSED ON
CONSENT AGENDA**

33. 02-R-0219
 34. 02-R-0220
 35. 02-R-0221
 36. 02-R-0222
 37. 02-R-0223
 38. 02-R-0224
 39. 02-R-0225
 40. 02-R-0226
 41. 02-R-0227
 42. 02-R-0228
 43. 02-R-0229
 44. 02-R-0230
 45. 02-R-0231
 46. 02-R-0232
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02-0-0189

(Do Not Write Above This Line)

AN ORDINANCE BY

FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE IMPOSING A \$1.00 SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION CONNECTION SUBSCRIBED TO TELEPHONE SUBSCRIBERS, WHOSE BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA, PURSUANT TO THE AUTHORIZATION GRANTED IN SECTIONS 46-5-133 (A) AND 46-5-134 (A) (2) (A) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED AND FOR OTHER PURPOSES.

ADOPTED BY

FEB 18 2002

COUNCIL

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

FEB 18 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard

CERTIFIED

FEB 18 2002

Ruth D. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Murphy

MAR 15 2002

CLERK